

## Minutes of Meeting

### VIRGINIA REAL ESTATE BOARD INFORMAL FACT-FINDING CONFERENCES NOVEMBER 24, 2003 (9:00 A.M.)

The Virginia Real Estate Board convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

S. Ronald Owens, Board Member, Presided and Marjorie Clark, Board Member, Assisted.

Douglas W. Schroder appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Disc-Disciplinary Case  
Lic-Licensing Application

C-Complainant/Claimant  
A-Applicant  
R-Respondent/Regulant  
PB-Principal Broker  
W-Witness  
AT- Attorney

#### Participants

William A. Carter  
File Number 2003-00900 (Disc)

Carter-R  
Manuel A. Capsalis-AT  
Willard F. Galbraith-PB  
Kim Kibben-Wright-W  
Dr. Mary Linda Sara-W

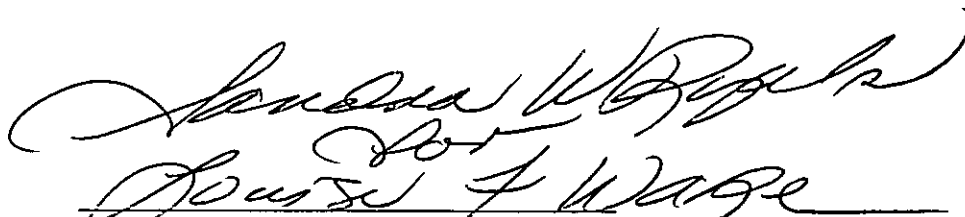
Felicia Wu  
File Number 2004-00807 (Lic)  
**No Decision Made**

Wu-A  
Harvey Volzer-AT  
Paul Wu-W

The meeting adjourned at 2:15 p.m.

Real Estate Board

  
S. Ronald Owens, Chairman

  
Louise Fontaine Ware, Secretary

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IN THE  
COMMONWEALTH OF VIRGINIA  
REAL ESTATE BOARD

In Re:

William A. Carter  
Manassas, VA 20110

File Number 2003-00900  
License Number 0205130383

CONSENT ORDER

Respondent William A. Carter ("Carter") was at all times material to this matter a licensed salesperson in Virginia (No. 0205130383).

As a result of this status, Carter recognizes and acknowledges being subject to and bound by the Regulations of the Real Estate Board ("Board"), as well as by all other applicable Virginia laws.

A violation of these Regulations has been reported and investigated. These matters were considered on November 24, 2003 in an Informal Fact Finding Conference ("IFF") pursuant to the Administrative Process Act §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended. This IFF was held in Richmond, Virginia and was attended by William A. Carter, Respondent; Manuel A. Capsalis, his Attorney; Kimberly

Kibben-Wright, Sales Associate, Willard F. Galbraith, Broker, and Mary Linda Sara, Ph.D., Therapist. Board Members S. Ronald Owens, presiding Board Member and Marjorie Clark, assisting Board Member, presided at the IFF.

The Board's duly designated representative has found sufficient evidence to believe that:

1. On May 30, 2002, in the Circuit Court of Prince William County, William A. "Buck" Carter (Carter) plead guilty to Bribery, a felony, in violation of § 18.2-447(2)(b) of the Code of Virginia.
2. On September 19, 2002, the Circuit Court sentenced Carter to 10 years incarceration and imposed a \$10,000 fine.
3. The judge suspended Carter's prison sentence and placed Carter on supervised probation for a period of seven (7) years, during which time Carter is required to perform five hundred (500) hours of community service annually, through the "Project Mend-a-House Program", for every year on probation under the supervision of his Probation Officer.
4. The judge also imposed the requirement that Carter report to the Adult Detention Center at 9:00 a.m. on January 9<sup>th</sup> and is to be released at 9:00 a.m. on the January 11<sup>th</sup>, for each year that he is on probation.

The Board and Carter, as evidenced by the signatures affixed below, enter into this Consent Order. Carter knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§ 2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

Further, by signing this Consent Order, Carter acknowledges an understanding of the charges. Carter hereby admits to the following violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

18 VAC 135-20-260(5). Unworthiness and incompetence.  
(Effective January 1, 1999)

Carter's conviction of bribery, a felony, represents "Actions constituting unworthy and incompetent conduct..." a violation of the above-cited regulation which states, "Having been convicted or found guilty regardless of adjudication in any jurisdiction of the United States of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence of the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt".

Carter agrees to a monetary penalty of \$1,000.00 for a violation of 18 VAC 135-20-260(5). In addition:

1. Carter agrees to provide to the Board written documentation, on a quarterly basis for a period of three years, in a form acceptable to the Board, that he meets the terms of his probation, including the required community service hours and ongoing therapy.
2. During the IFF, Carter stated that he normally shows property to repeat clients or direct referrals, with whom he has previously worked. Carter also stated that he customarily works with another associate in his office, in all real estate transactions in which he is involved. Carter also stated that he had an agreement with a previous probation officer that he would not be alone with a female in the practice of his real estate profession. With the exception of relatives, personal friends, and past clients, Carter agrees not to meet in private with any female client of his at any time while conducting real estate business and agrees to provide the Board with a record of his real estate contacts and transactions on a quarterly basis for a period of three years, in a form acceptable to the Board.
3. In addition, Carter shall request that his current broker of record and any future brokers of record report to the Board on a quarterly basis for a period of three years that Carter is in compliance with the terms of his probation, as stated in number 1, and the requirements concerning female clients, as stated in number 2. Should Carter fail to obtain broker agreement for reporting as required by this Consent Order, Carter shall provide written documentation of this fact, so that the Board may review the terms of the Consent Order for future consideration.

The above monetary penalties, costs or sanctions are to be paid/performed within thirty days of the effective date of this consent order. Carter acknowledges the monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Carter will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

Carter acknowledges that failure to pay the penalty, the costs, or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Carter's license until such time as there is compliance with all terms of this Order. Carter understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

The effective date of this Order shall be the date of execution by the Board.

SEEN AND AGREED TO:

\_\_\_\_\_  
William A. Carter

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title of Person Signing on behalf of Entity

CITY/COUNTY OF \_\_\_\_\_  
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**SO ORDERED:**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Real Estate Board

BY: \_\_\_\_\_  
Louise Fontaine Ware, Secretary

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Custodian of the Records

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Marjorie Clark
2. Title: Member
3. Agency: Real Estate Board
4. Transaction: Informal Fact-Finding Conferences on November 24, 2003
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

n/a

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

n/a

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Marjorie M. Clark  
Signature

11-24-03  
Date

REC'D  
DEC 01 2003

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: S. Ronald Owens
2. Title: Member
3. Agency: Real Estate Board
4. Transaction: Informal Fact-Finding Conferences on November 24, 2003
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

None

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

None

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

S. Ronald Owens  
Signature

11/24/03  
Date

REC  
DEC 01 2003